

REMARKS

Claims 1-42 were pending in the present application. Claim 1 has been amended. No new matter has been added. Accordingly, claims 1-42 are currently pending in the present application. Applicants respectfully request reconsideration of the claims in view of the following remarks.

Claims 1, 2, 4-8, 11-14 and 16-18 have been rejected under 35 U.S.C. § 103(a) as assertedly being unpatentable over U.S. Patent No. 7,023,857 to Chiussi, *et al.* (hereinafter "Chiussi") in view of U.S. Patent No. 6,987,774 to Minshall (hereinafter "Minshall"). Claim 3 has been rejected under 35 U.S.C. § 103(a) as assertedly being unpatentable over Chiussi in view of Minshall and further in view of U.S. Patent No. 6,414,963 to Gemar (hereinafter "Gemar"). Claims 9 and 10 have been rejected under 35 U.S.C. § 103(a) as assertedly being unpatentable over Chiussi in view of Minshall and further in view of U.S. Patent No. 7,116,680 to Kramer, *et al.* (hereinafter "Kramer"). Claim 15 has been rejected under 35 U.S.C. § 103(a) as assertedly being unpatentable over Chiussi in view of Minshall and further in view of U.S. Patent Publication No. 2003/0189897 to Einstein, *et al.* (hereinafter "Einstein"). Applicants respectfully traverse these rejections.

Applicants' claim 1 has been amended to recite "multiple message queues for the multiple traffic types located within one of a plurality of traffic queues" and "selecting from the plurality of traffic queues a message." Neither Chiussi nor Minshall disclose these limitations. Rather, in Chiussi and Minshall, a message may only be selected from a single traffic queue (Chiussi Ref. No. 10 and Minshall Ref. Nos. 202, 204, and 206), as the schedulers (Chiussi Ref. No. 15 and Minshall Ref. Nos. 205, 207, and 209) are only connected to a single traffic queue. Because the schedulers are only connected to a single traffic queue, "selecting from the plurality

of traffic queues” is effectively precluded, and neither Chiussi nor Minshall, either individually or in combination, disclose these limitations. Accordingly, claim 1 cannot be obvious over Chiussi in view of Minshall, and Applicants respectfully request that the 35 U.S.C. § 103(a) rejection of claim 1 be withdrawn.

Claims 2-18 depend from claim 1 and add further limitations. Additionally, Gemar (cited in connection with claim 3), Kramer (cited in connection with claims 9 and 10), and Einstein (cited in connection with claim 15) also do not disclose these limitations. Applicants respectfully submit that these dependent claims are allowable by reason of depending from an allowable claim as well as for adding new limitations.

Claims 19 and 35 have been rejected under 35 U.S.C. § 102(e) as assertedly being anticipated by Chiussi. Claim 21 has been rejected under 35 U.S.C. § 103(a) as assertedly being unpatentable over Chiussi in view of Minshall and further in view of Gemar. Claims 22-27, 29-34 and 36-39 have been rejected under 35 U.S.C. § 103(a) as assertedly being unpatentable over Chiussi in view of Minshall. Claims 20 and 28 have been rejected under 35 U.S.C. § 103(a) as assertedly being unpatentable over Chiussi in view of Gemar. Claims 40-42 have been rejected under 35 U.S.C. § 103(a) as assertedly being unpatentable over Chiussi in view of U.S. Patent Publication No. 2004/0047351 to Del Prado Pavon, *et al.* (hereinafter “Del Prado Pavon”).

Applicants respectfully traverse these rejections.

Applicants’ claim 19 recites “a first scheduler coupled to *each* traffic queue” (emphasis added). Applicants respectfully submit that Chiussi does not disclose this limitation. Rather, the scheduler cited by the Office Action (Chiussi Ref. No. 15) is only connected to a single traffic queue (Chiussi Ref. No. 10), and is not “coupled to each traffic queue” as required by claim 19. Accordingly, because Chiussi does not disclose “each and every element” of claim 19 required

by 35 U.S.C. § 102(e) for anticipation, Chiussi cannot anticipate claim 19. *See M.P.E.P. § 2131*, quoting *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631 (Fed. Cir. 1987). Applicants respectfully request that the 35 U.S.C. § 102(e) rejection of this claim be withdrawn.

Claims 20-34 depend from claim 19 and add further limitations. Additionally, Minshall (cited in connection with claims 21-27, 29-34 and 36-39), Gemar (cited in connection with claims 20, 21 and 28), and Del Prado Pavon (cited in connection with claims 40-42), also do not disclose this limitation. Applicants respectfully submit that these dependent claims are allowable by reason of depending from an allowable claim as well as for adding new limitations.

Applicants' claim 35 recites "a first scheduler coupled to *each* traffic queue" (emphasis added). Chiussi simply does not disclose this limitation. Rather, each traffic queue (Chiussi Ref. No. 10) has its own scheduler (Chiussi Ref. No. 15). Because each traffic queue has its own scheduler, there is no "first scheduler coupled to each traffic queue," as required by claim 35. Accordingly, Chiussi does not disclose "each and every limitation" required by 35 U.S.C. § 102(e) for anticipation. *See M.P.E.P. § 2131*, quoting *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631 (Fed. Cir. 1987). Applicants respectfully request that the 35 U.S.C. § 102(e) rejection of claim 35 be withdrawn and the claim be passed to allowance.

Claims 36-42 depend from claim 35 and add further limitations. Additionally, Minshall (cited in connection with claims 36-39) and Del Prado Pavon (cited in connection with claims 40-42) also do not disclose this limitation. Applicants respectfully submit that these dependent claims are allowable by reason of depending from an allowable claim as well as for adding new limitations.

Applicants have made a diligent effort to place the claims in condition for allowance. However, should there remain unresolved issues that require adverse action, it is respectfully requested that the Examiner telephone Jim Brady, Applicants' Attorney, at 972-917-4371 so that such issues may be resolved as expeditiously as possible. No fee is believed due in connection with this filing. However, should one be deemed due, the Commissioner is hereby authorized to charge, or credit any overpayment, Deposit Account No. 20-0668.

Respectfully submitted,

March 5, 2008
Date

SLATER & MATSIL, L.L.P.
17950 Preston Rd., Suite 1000
Dallas, Texas 75252
Tel.: 972-732-1001
Fax: 972-732-9218

Brian A. Mair
Brian A. Mair
Attorney for Applicants
Reg. No. 58,233